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**STATE OF CALIFORNIA**  
**WATER RESOURCES CONTROL BOARD**  
**DIVISION OF DRINKING WATER**

**TO:** North Edwards Water District Water System  
Water System No. 1510052

**Attn:** Dollie Kostopolous, General Manager  
North Edwards Water District  
13525 Fran Street  
North Edwards, CA 93523

**CERTIFIED MAIL**

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1510052**

**November 2015**

**C I T A T I O N N O. 03-19-16C-010**

**Issued on February 29, 2016**

**STATEMENT OF FACTS**

North Edwards Water District Water System (hereinafter Water System) is classified as a community Water System and serves a population of approximately 600 persons through 217 service connections. The Water System has two active sources of supply, Well 01 (PS Code: 1510052-001), Well 02 (PS Code: 1510052-002), a 50,000-gallon storage tank, and a 61,000-gallon storage tank. Chlorination treatment is provided to the well water using sodium hypochlorite. The Water System operates under the authority of Permit Number 03-88-008, issued on April 5, 1988, by the California

1 Department of Health Services, Division of Drinking Water and Environmental  
2 Management (now State Water Resources Control Board, Division of Drinking  
3 Water).

4  
5 Section 116650 of the California Health and Safety Code authorizes the issuance of a  
6 citation to a public water system for violation of the California Safe Drinking Water  
7 Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with  
8 Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit  
9 or order issued or adopted thereunder.

10  
11 The State Water Resources Control Board (hereinafter "State Board"), acting by and  
12 through its Division of Drinking Water and the Deputy Director for the Division of  
13 Drinking Water, hereby issues a citation to North Edwards Water District (mailing  
14 address: 13525 Fran Street, North Edwards, CA 93523) for violation of California  
15 Code of Regulations (CCR), Title 22, Section 64426.1 subsection (b)(2).

- 16
- 17 • The Water System collects two (2) routine distribution system bacteriological  
18 quality samples per month, in accordance with its approved bacteriological  
19 sample siting plan.
  - 20 • Two (2) routine bacteriological quality samples collected on November 18,  
21 2015, from the distribution system, tested positive for total coliform bacteria.
  - 22 • Two (2) repeat bacteriological quality samples collected on November 20,  
23 2015, from the distribution system, tested negative for total coliform bacteria.
  - 24 • **North Edwards Water District Water System failed the total coliform**  
25 **maximum contaminant level (MCL) for November 2015 [Section**  
26 **64426.1(b)(2), *Authorities*].**  
27

- 1 • North Edwards Water System failed to collect the required number of  
2 repeat samples, following two routine total coliform positive samples in  
3 November 2015. Only two (2) repeat bacteriological samples were  
4 collected in November 2015, instead of the required six (6) repeat samples  
5 [Section 64424, *Authorities*].
- 6 • On December 7, 2015, the State Board learned about the Water System's total  
7 coliform failure for the month of November 2015, from a laboratory report  
8 (received via mail) from the Antelope Valley East Kern Water Agency's  
9 laboratory.
- 10 • North Edwards Water District Water System failed to notify the State  
11 Board of the total coliform MCL violation, within 24 hours of the violation  
12 [Section 64426.1(c), *Authorities*].
- 13 • North Edwards Water District Water System failed to collect the required  
14 source water bacteriological samples, within 24 hours of receipt of  
15 notification of a routine total coliform positive sample, as required by the  
16 Ground Water Rule [Section 64430, *Authorities*].
- 17 • During a phone discussion held on December 7, 2015, with Ms. Dollie  
18 Kostopolous, the State Board directed the Water System to collect a sample  
19 from Well 01, for complying with the Ground Water Rule, and to collect five  
20 (5) samples from the distribution system, to satisfy the requirement of five  
21 routine samples to be collected, the month following, one or more routine total  
22 coliform positive samples.
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- 1 • Two (2) routine samples collected on December 8, 2015, from the distribution  
2 system, and one (1) sample collected from Well 01 (counted towards the  
3 Ground Water Rule's trigger source sampling requirement), tested negative for  
4 total coliform bacteria.
- 5 • On December 10, 2015, the State Board directed the Water System to collect  
6 the remaining three (3) routine samples from the distribution system.
- 7 • Three (3) routine bacteriological samples collected on December 14, 2015,  
8 from the distribution system, tested negative for total coliform bacteria.
- 9 • None of the bacteriological quality samples collected in November or  
10 December 2015 tested positive for *E. coli* bacteria
- 11 • On December 11, 2015, a public notice and *Certification of Completion of*  
12 *Public Notification* were emailed to the Water System, for the November 2015  
13 total coliform MCL failure.
- 14 • On February 15, 2016, the State Board received signed and dated copies of the  
15 *Certification of Completion of Public Notification* and the public notice.  
16 According to these documents, public notification was completed on December  
17 29, 2015.
- 18 • On December 11, 2015, an investigation report was emailed to the Water  
19 System, for the November 2015 total coliform MCL failure.
- 20 • On February 15, 2016, the State Board received a completed copy of the  
21 investigation report. The investigation report was completed by Ms.  
22 Kostopolous from the Water System. According to the investigation report, a  
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possible cause of the total coliform positive samples was described as standing/stagnant water in a dead-end, without a flushing valve.

- Two (2) routine bacteriological samples collected in January 2016, from the distribution system, tested negative for total coliform bacteria.
- Results of all (source and distribution) bacteriological samples collected from January 2015 to January 2016 are summarized in **Attachment A**.

### **AUTHORITIES**

**Section 116577 of the CHSC**, states in relevant part:

“(a) Each public water system shall reimburse the State Board for the actual costs incurred by the State Board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The State Board shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the State Board. The costs set forth in the invoice shall not exceed the total actual costs to the State Board of the enforcement activities specified in this section.”...

**Section 116650 of the CHSC**, states in relevant part:

“(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.”

**Section 116655 of the CHSC**, states in relevant part:

“(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the State Board.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board."

**California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:**

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

**CCR, Title 22, Section 64424 establishes the repeat sampling and states in relevant part:**

"(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the State Board allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

(2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the State Board within 24 hours. The State Board will then determine how much time the supplier will have to collect the repeat samples.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream of the original site. At least one sample shall be from upstream and one from downstream unless there is no upstream and/or downstream service connection. "

**CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:**

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and

samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

"CCR, Title 22, Section 64430 establishes the Ground Water Rule sampling and states in relevant part:

"A public water system that uses ground water shall comply with the following provisions of 40 Code of Federal Regulations as they appear in the Ground Water Rule published in 71 Federal Register 65574 (November 8, 2006) Addendum A: CA Ground Water Rule – A reference to text adopted pursuant to Section 64430.

§141.402. Ground water source microbial monitoring and analytical methods.

(a) *Triggered source water monitoring* —

(1) *General requirements.* A ground water system must conduct triggered source water monitoring if the conditions identified in paragraphs (a)(1)(i) and (a)(1)(ii) of this section exist.

(i) The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a State-approved combination of 4-log virus inactivation and removal) before or at the first customer for each ground water source; and

(ii) The system is notified that a sample collected under 22 California Code of Regulations sections 64422 and 64423 is total coliform-positive and the sample is not invalidated under 22 California Code of Regulations section 64425.

(2) *Sampling requirements.* A ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under 22 California Code of Regulations sections 64422 and 64423."

## DETERMINATIONS

Based upon the above *Statement of Facts and Authorities*, the State Board has determined that the North Edwards Water District Water System has violated the following:

- 1 1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated  
2 the total coliform MCL for November 2015, when more than one sample  
3 collected in November 2015, tested positive for total coliform bacteria.
- 4 2. CCR, Title 22, Section 64426.1(c); Specifically, the Water System failed to  
5 notify the State Board within 24 hours of notification by laboratory of the total  
6 coliform MCL violation for the month of November 2015.
- 7 3. CCR, Title 22, Section 64424; Specifically, the Water System failed to collect  
8 the correct number of repeat samples, in response to routine total coliform  
9 positive samples collected on November 18, 2015.
- 10 4. CCR, Title 22, Section 64430; Specifically, during the month of November  
11 2015, the Water System failed to collect triggered source water samples  
12 (required by the Ground Water Rule), within 24 hours of receipt of notification  
13 of the two routine total coliform positive samples, collected on November 18,  
14 2015.

15 The above violations are classified as non-continuing violations.

### 16 DIRECTIVES

17 North Edwards Water District Water System is hereby directed to take the following  
18 actions:

- 19 1. Cease and desist from failing to comply with Section 116555(a) of the  
20 California Health and Safety Code (CHSC) and Sections 64424, 64426.1(b)(2),  
21 64426.1(c), and 64430 of Title 22, California Code of Regulations.
- 22 2. In the future, the Water System shall notify the State Board within 24 hours of  
23 determination of a total coliform MCL violation.
- 24 3. In the future, the Water System shall collect the correct number of repeat  
25 samples, in response to a routine total coliform positive sample.
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4. In the future, the Water System shall collect triggered source water samples (required by the Ground Water Rule), within 24 hours of receipt of notification of a routine total coliform positive sample.

5. The Water System shall reimburse the State Board, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the State Board) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Sections 116577(a)(1-2) and 116577(b).

#### **FURTHER ENFORCEMENT ACTIONS**

Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the State Board to: issue additional citations with assessment of penalties if a public water system continues to fail or correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the State Board; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the State Board. The State Board does not waive any further enforcement action by issuance of this citation.

#### **PARTIES BOUND**

This citation shall apply to and be binding upon North Edwards Water District Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

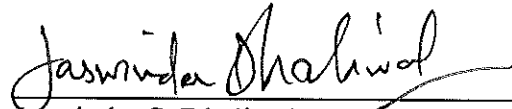
The directives of this citation are severable, and North Edwards Water District Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**CIVIL PENALTIES**

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the State Board imposing an administrative penalty in an amount not to exceed \$1000 (one thousand dollars) per day as of the date of violation of any provision of this Citation.

Feb. 29, 2016

Date



Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Drinking Water Field Operations Branch

Certified Mail No. 7015 1520 0000 4433 1624

**ATTACHMENT**

Attachment A: Summary of Bacteriological Samples Collected from January 2015 – January 2016

CC: Kern County Environmental Health Services Department (w/o attachment)  
James F. Allen, Designated Operator, North Edwards Water District (via e-mail)

JSD/dc

# Attachment A

# North Edwards WD

1510052

Distribution System Freq: 2/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/1/2015		2 Samples	A	A		Routine	1.0		
2/1/2015		2 Samples	A	A		Routine			
2/1/2015		System	A	A					
2/11/2015		Test Stand Sample Site (	A	A		Other			
3/1/2015		2 Samples	A	A		Routine	1.0		
4/1/2015		2 Samples	A	A		Routine	1.0		
5/1/2015		2 Samples	A	A		Routine	1.0-1.5		
6/1/2015		2 Samples	A	A		Routine	1.0		
6/10/2015	8:00	Test Stand Sample Site (	A	A		Other	1.0		
7/8/2015	7:30	Test Stand Sample Site (	P	A		Routine	1.0		
7/8/2015	8:00	Test Stand Sample Site (	P	A		Routine	1.0	MCL	Citation 03-19-15C-016 Issued on Oct. 9, 2015
7/9/2015	9:01	Test Stand Sample Site (	P	A		Repeat	1.5		
7/9/2015	9:32	Test Stand Sample Site (	A	A		Repeat	1.5		
7/14/2015	7:10	Test Stand Sample Site (	A	A		Repeat			
7/14/2015	7:21	Tank At Well 01	A	A		Repeat	2.5		
7/14/2015	7:45	13043 Lamel	A	A		Repeat	1.5		
7/14/2015	8:15	13143 Lamel	A	A		Repeat	1.0		
7/14/2015	8:30	13128 Lamel	A	A		Repeat	1.0		
7/14/2015	8:40	13471 Lamel	A	A		Repeat	1.0		
8/1/2015		5 Samples	A	A		Routine	1.5		
8/24/2015	9:00	12686 Clay Mine Rd #3	A	A		Other			
8/24/2015	9:00	Clay Mine Road	A	A		Other			
9/1/2015		2 Samples	A	A		Routine	1.0		
10/1/2015		2 Samples	A	A		Routine	1.0		
11/18/2015	8:11	Gilbert	P	A		Routine	1.0		Citation #03-19-16C-010 issued Feb. 29, 2016
11/18/2015	8:11	Lamel	P	A		Routine	1.0		
11/20/2015	7:30	Gilbert	A	A		Repeat	1.5		
11/20/2015	9:12	Lamel	A	A		Repeat	1.5		
12/1/2015		5 Samples	A	A		Routine	1.0		
1/1/2016		2 Samples	A	A		Routine			

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## ***North Edwards WD***

***1510052***

***Source Monitoring Freq: Qtrly.***

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<b><i>Sample Date</i></b>	<b><i>Time</i></b>	<b><i>Source</i></b>	<b><i>T Coli</i></b>	<b><i>E Coli</i></b>	<b><i>F Coli</i></b>	<b><i>Violation</i></b>	<b><i>Comment</i></b>
7/14/2015	7:30	Well 1	P	A			GWR sample
7/16/2015	9:20	Well 2	A	A			
7/16/2015	9:50	Well 1	A	A			Cycle Test Sample #5
7/16/2015	9:51	Well 1	A	A			Cycle Test Sample #4
7/16/2015	9:56	Well 1	A	A			Cycle Test Sample #3
7/16/2015	10:11	Well 1	A	A			Cycle Test Sample #2
7/16/2015	10:41	Well 1	A	A			Cycle Test Sample #1
12/8/2015	8:15	Well 1	A	A			GWR sample